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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/470,489	06/06/95	MONTAGNIER	2356.0014-09

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EXAMINER

PARKIN, J

ART UNIT

1641

PAPER NUMBER

34

DATE MAILED:

06/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No.: 34

Application Number: 08/470,489

Filing Date: 06/06/95

Appellant(s): Montagnier et al.

Rebecca M. McNeill  
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on April, 2000.

***(1) Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

***(2) Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have bearing on the decision in the pending appeal is contained in the brief.

***(3) Status of Claims***

The statement of the status of the claims contained in the brief is correct.

***(4) Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

***(5) Summary of Invention***

The summary of invention contained in the brief is correct.

***(6) Issues***

The appellant's statement of the issues in the brief is correct.

***(7) Grouping of Claims***

Appellant's brief includes a statement that claims 90-109 do not stand or fall together and provides reasons as set forth in 3

C.F.R. § 1.192(c)(7) and (c)(8).

***(8) ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

***(9) Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

***(10) Grounds of Rejection***

The following ground of rejection is applicable to the appealed claims: claims 90-109 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is set forth in prior Office action, Paper No. 27.

**(11) Response to Argument**

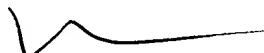
For the above reasons, it is believed that the rejection should be sustained.

**Correspondence**

Correspondence related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Official communications should be directed toward one of the following Group 1600 fax numbers: (703) 308-4242 or (703) 305-3014. Informal communications may be submitted directly to the Examiner through the following fax number: (703) 308-4426. Applicants are encouraged to notify the Examiner prior to the submission of such documents to facilitate their expeditious processing and entry.

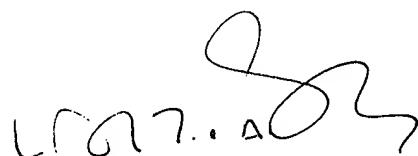
Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (703) 308-2227. The examiner can normally be reached Monday through Thursday from 8:30 AM to 6:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Chris Eisenschenk, J.D., Ph.D., can be reached at (703) 308-0452. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

Respectfully submitted,



Jeffrey S. Parkin, Ph.D.

16 June, 2000



LAURIE SCHEINER  
PRIMARY EXAMINER